

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Denise Carlon, Esq.
 KML Law Group, P.C.
 216 Haddon Avenue, Suite 406
 Westmont, NJ 08108
 215-
 dcarlon@kmlawgroup.com
 Attorneys for CIT Bank, N.A.

In Re:
 Christopher Bailey & Judith Bailey,
 Debtors.

Page 1 of 5



Order Filed on December 12, 2017
 by Clerk
 U.S. Bankruptcy Court
 District of New Jersey

Case No.: 16-22255-VFP
 Judge: Vincent F. Papalia
 Hearing Date(s): 11/16/2017
 Chapter: 13

Recommended Local Form

☒ Followed☐ Modified

**ORDER RESOLVING MOTION TO VACATE STAY
 AND/OR MOTION TO DISMISS
 WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through four (4) is **ORDERED**.

DATED: December 12, 2017

Honorable Vincent F. Papalia
 United States Bankruptcy Judge

Applicant: CIT Bank, N.A.
Applicant's Counsel: Denise Carlon, KML Law Group
Debtor's Counsel: Christopher Balala, Esq.
Property Involved ("Collateral"): 14 South Hall Court, Wayne, NJ 07470
Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay
against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 4 months, from 8/1/2017 to 11/1/2017.
- ☒ The Debtor is overdue for 4 payments at \$ 2,677.43 per month.
- ☐ The Debtor is assessed for _____ late charges at \$ _____ per month.
- ☐ Applicant acknowledges receipt of funds in the amount of \$ _____ received after the motion was filed.

Total Arrearages Due \$ 10,709.72.

2. Debtor must cure all post-petition arrearages, as follows:

- ☐ Immediate payment shall be made in the amount of \$ _____. Payment shall be made no later than _____.
- ☐ Beginning on _____, regular monthly mortgage payments shall continue to be made in the amount of \$ _____.
- ☐ Beginning on _____, additional monthly cure payments shall be made in the amount of \$ _____ for _____ months.

☒ The amount of \$ 10,709.72 shall be capitalized in the debtor's Chapter 13 plan. The debtor's monthly payment to the Chapter 13 Trustee is modified to be \$ per mod plan per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment: _____

☒ Regular monthly payment: CIT Bank, N.A. attn: Cashiering Dept.
6900 Beatrice Drive
Kalamazoo, MI 49009

☐ Monthly cure payment: _____

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorneys fees of \$ 350, and costs of \$ 181.

The fees and costs are payable:

☒ through the Chapter 13 plan.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

Certificate of Notice Page 5 of 5
 United States Bankruptcy Court
 District of New Jersey

In re:
 Christopher Bailey
 Judith A. Bailey
 Debtors

Case No. 16-22255-VFP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf903

Page 1 of 1
 Total Noticed: 1

Date Rcvd: Dec 13, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 15, 2017.

db/jdb +Christopher Bailey, Judith A. Bailey, 14 South Hall Court, Wayne, NJ 07470-2983

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 15, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 13, 2017 at the address(es) listed below:

Christopher J. Balala on behalf of Joint Debtor Judith A. Bailey cbalala@scuramealey.com, ecfbkfilings@scuramealey.com; dsklar@scuramealey.com; ascolavino@scuramealey.com; dmedina@scura.com
 Christopher J. Balala on behalf of Debtor Christopher Bailey cbalala@scuramealey.com, ecfbkfilings@scuramealey.com; dsklar@scuramealey.com; ascolavino@scuramealey.com; dmedina@scura.com
 David L. Stevens on behalf of Joint Debtor Judith A. Bailey dstevens@scuramealey.com, cbalala@scuramealey.com; ecfbkfilings@scuramealey.com; dsklar@scuramealey.com; ascolavino@scuramealey.com; dmedina@scura.com
 David L. Stevens on behalf of Debtor Christopher Bailey dstevens@scuramealey.com, cbalala@scuramealey.com; ecfbkfilings@scuramealey.com; dsklar@scuramealey.com; ascolavino@scuramealey.com; dmedina@scura.com
 Denise E. Carlon on behalf of Creditor CITBank, N.A., fka OneWest Bank, N.A., fka OneWest Bank, FSB dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
 Francesca Ann Arcure on behalf of Creditor CIT Bank, N.A. as servicer for Wilmington Trust, National Association, as Successor Trustee to Citibank, N.A., as Trustee for Bear Stearns Asset Backed Securities Trust 2007-2, Asset Backed Certificat nj_ecf_notices@buckleymadole.com, NJ_ECF_Notices@McCalla.com
 John R. Morton, Jr. on behalf of Creditor Credit Acceptance Corporation ecfmail@mortoncraig.com, mortoncraigecf@gmail.com
 Justin Plean on behalf of Creditor Indymac Mortgage Services bkyecf@rasflaw.com, bkyecf@rasflaw.com; ras@ecf.courtdrive.com
 Laura M. Egerman on behalf of Creditor Indymac Mortgage Services bkyecf@rasflaw.com, bkyecf@rasflaw.com; legerman@rasnj.com
 Marie-Ann Greenberg magecf@magtrustee.com
 Rebecca Ann Solarz on behalf of Creditor CITBank, N.A., fka OneWest Bank, N.A., fka OneWest Bank, FSB rsolarz@kmlawgroup.com

TOTAL: 11